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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,521	11/26/2001	Scott Lochner	07326-002002	8530

20985 7590 05/10/2005

FISH & RICHARDSON, PC  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130-2081

EXAMINER
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SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,521

Applicant(s)

LOCHNER ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. In view of the Appeal Brief filed on February 11, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,5,7,8,17,21 are rejected under 35 U.S.C. 102(e) as being anticipated by Malec et al (US 5,295,064).

Consider claim 1,2,21. Malec teaches a wireless computer system comprising: a base storage and control system (fig 4, item 502, col 7, lines 44-51), including: a

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processor (as is known, a processor would be inherent in the computer 502) receiving and using an input signal in real-time, the input signal being for use in interacting with an application program being executable at the base storage and control system (Malec see especially figs 4, 9a, 9b, item 514, col 8, lines 4-10), a non-volatile memory (Malec see especially col 7, lines 48-51), a display element producing an output signal based on the input signal and execution of the application program (Malec see especially col 7, line 44 – col 8, line 20), said output signal being produced in bursts, with delays between the bursts, during which delays, no information is transmitted (Malec figs 13-14, 27-29, col 10, lines 14- col 11, line 22); and a wireless transceiver that wirelessly communicates the display output signal when produced (Malec see especially col 8, lines 28-409); at least one portable input-output system for use with the base storage and control system the portable input-output system including: a wireless transceiver, which wirelessly communicates the input signal to the base storage and control system and wirelessly receives the display output signal from the base storage and control system, a user interface allowing inputting an information item and generating an input signal corresponding to the information item, the input signal being wirelessly communicable in real time to the base storage and control system to interact with the application program being executable at the base storage and control system (Malec see especially col 8, line 27 – col 9, line 19) and an arrangement for providing a continuously displayed full screen display using the display output signal received in bursts to generate a portion of the full screen display corresponding to the display

output signal (Malec see especially col 7, lines 51 – col 8, lines 22, col 26, lines 24-44, col 27, line 27, col 28, line 16).

As to claim 5, note that Malec's input signal is a keyboard signal (Malec fig s 9a,b, col 8, lines 5-12).

As to claim 7, note that user input to a keyboard is asynchronous.

As to claim 8, note that Malec teaches using antennas and RF transceivers (Malec see especially figs 8,7,16, col 16, lines 28-47, col 17, line 18 col 18, lines 22).

As to claim 17, note that Malec's display includes full screen graphics (Malec see especially figs 9a,b).

#### ***Claim Rejections - 35 USC § 103***

4. Claims 3,4,6,9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Malec.

As to claim 3, note that Malec teaches using RF to enable the wireless communication (Malec see especially col 8, line 33), and as is well known, radio waves have a wavelength longer than infrared wavelength. Malec differs from the claim in not specifying the type of modulation the RF wireless signals should use. Official Notice is taken that AM, FM and spread spectrum are well known modulation techniques. Therefore it would have been obvious to one of ordinary skill in the art to use one of AM, FM or spread spectrum to modulate the signals in order to utilize well known communication techniques.

As to claims 4, 6, Malec differs from the claim in not specifying the type of video signal used. Official notice is taken that video, video synch, horizontal and vertical

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video synch, composite video, video and synch signals, and RGB are well known types of video signaling, it would have been obvious to one of ordinary skill in the art to use one of the signaling methods claimed in order to allow use of proven methods.

As to claim 9, Malec in view of Tymes teaches everything claimed except for the use of a directional coupler. Official Notice is taken that the use of directional couplers is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Auer in view of Tymes to use a directional coupler in order to ensure that transmission and reception signals did not interfere with one another.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-9,17,21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825, after March 2005 the number will change to (571) 272-7887. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka  
(703) 305-4825

April 27, 2005

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**